

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Lydia Woolley	Team: Squad #13	CCRB Case #: 202105089	<input type="checkbox"/> Force <input type="checkbox"/> Abuse	<input checked="" type="checkbox"/> Discourt. <input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> U.S. <input type="checkbox"/> Injury
Incident Date(s) Thursday, 08/26/2021 11:01 AM	Location of Incident: Over the phone	Precinct: 84	18 Mo. SOL 2/26/2023	EO SOL 2/26/2023	
Date/Time CV Reported Thu, 08/26/2021 11:52 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Thu, 08/26/2021 11:52 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DTS Samantha Sturman	03035	947521	084 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Jamie Williamson	05873	955666	084 PCT

Officer(s)	Allegation	Investigator Recommendation
A.DTS Samantha Sturman	Off. Language: Detective Samantha Sturman made remarks to § 87(2)(b) based upon the gender of § 87(2)(b)	
B.DTS Samantha Sturman	Discourtesy: Detective Samantha Sturman spoke discourteously to § 87(2)(b)	
C.DTS Samantha Sturman	Discourtesy: Detective Samantha Sturman acted discourteously toward § 87(2)(b)	

Case Summary

On August 26, 2021, § 87(2)(b) filed this complaint via the CCRB website. This case was added to the agency's sensitive case list due to an article about this incident posted to StreetsBlog NYC on October 18, 2021 (**Board Review 11**).

On August 26, 2021, at 11:01 a.m., Detective Samantha Sturman called § 87(2)(b)'s cell phone to discuss 311 complaints he had filed. Det. Sturman called § 87(2)(b) a "dickhead" (**Allegation A: Offensive Language**, § 87(2)(g) **Allegation B: Discourtesy**, § 87(2)(g) and hung up the phone (**Allegation C: Discourtesy**, § 87(2)(g). No arrest or summons resulted from this incident.

§ 87(2)(b) provided an audio recording of the phone call, which he recorded on his cell phone, to the investigation. The audio recording is in IA #3 (**Board Review 01**) and summarized in IA #7 (**Board Review 02**). There is no body worn camera (BWC) footage of this incident. The nature of the incident did not require the use of BWC as per the Patrol Guide.

Findings and Recommendations

Allegation (A) Offensive Language: Detective Samantha Sturman made remarks to § 87(2)(b) based upon the gender of § 87(2)(b)

Allegation (B) Discourtesy: Detective Samantha Sturman spoke discourteously to § 87(2)(b)

Allegation (C) Discourtesy: Detective Samantha Sturman acted discourteously toward § 87(2)(b)

§ 87(2)(b) testified that, on the morning of the incident, he filed approximately 20 complaints via 311 regarding illegally parked vehicles (**Board Review 03**). Det. Sturman called § 87(2)(b) at 11:01 a.m. His statement was largely consistent with an audio recording of the phone call he provided when he filed this complaint. In the audio recording, Det. Sturman introduces herself by rank, last name, and command (**Board Review 01**). She asks if § 87(2)(b) would like to come into the precinct to speak with community affairs and neighborhood coordination officers about his 311 complaints. § 87(2)(b) says he would not like to come in and that Det. Sturman can address his concerns by not parking in the bike lane. § 87(2)(b) says it is Det. Sturman's job to stop people from parking in bicycle lanes. At 00:55, § 87(2)(b) says, "Go fuck off." At 00:58, Det. Sturman says, "Stop calling, dickhead," and the recording ends.

Det. Sturman said she was on patrol with her partner, Police Officer Jamie Williamson of the 84th Precinct, when she was assigned § 87(2)(b)'s five complaints which he had filed that morning (**Board Review 04**). Det. Sturman called § 87(2)(b) on speakerphone from her patrol car. Her description of the dialogue in the beginning of the call was largely consistent with the recording, though she quoted § 87(2)(b) as saying, "Do your fucking job and fuck off, bitch." Without further conversation, she hung up the phone because there was "nothing else to say." Initially, Det. Sturman did not recall saying anything to § 87(2)(b) after he said "fuck off." When presented with the audio recording, Det. Sturman acknowledged that she said, "Stop calling, dickhead." She said that, during the phone call, she thought she had hung up after § 87(2)(b) said "fuck off." She meant to make the "dickhead" comment about § 87(2)(b) to PO Williamson after hanging up with § 87(2)(b).

NYPD Patrol Guide, Procedure 200-02, notes that officers must render their services with courtesy and civility (**Board Review 05**). NYPD Patrol Guide, Procedure 203-10, notes that members of the service are prohibited from using discourteous or disrespectful remarks regarding someone's gender (**Board Review 06**). During stressful street encounters where an officer is attempting to maintain control of the situation, profane remarks may not constitute misconduct. However, gratuitous use of

Squad Leader: Laura Kastner
Signature

IM Laura Kastner
Print Title & Name

10/25/2021
Date